

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ALLAN THOMAS ROCKWELL,
Plaintiff,
v.
TUOLUMNE COUNTY, et al.,
Defendants.

Case No. 1:22-cv-00392-JLT-EPG

ORDER TO SHOW CAUSE WHY CLAIMS
 BROUGHT ON BEHALF OF MINOR
 PLAINTIFF G.A.R. SHOULD NOT BE
 DISMISSED

FOURTEEN (14) DAY DEADLINE

Plaintiff Allan Thomas Rockwell (“Plaintiff”) is proceeding *pro se* in this action against Tuolumne County, Michael Choate, Denise Choate, and Melissa Brouhard. (See ECF No. 1.)

Plaintiff initially filed the complaint on April 4, 2022. (ECF No. 1.) On April 25, 2022, Plaintiff filed a First Amended Complaint indicating that the action is brought by Plaintiff and by G.A.R., a minor. (ECF No. 5.)

The Ninth Circuit has determined that although a non-attorney may appear *pro se* in his own behalf, that privilege is personal to him and he has no authority to appear as an attorney for others than himself. *C.E. Pope Equity Trust v. United States*, 818 F.2d 696, 697 (9th Cir. 1987); *Simon v. Hartford Life, Inc.*, 546 F.3d 661, 664 (9th Cir. 2008). “[A] parent or guardian cannot bring an action on behalf of a minor child without retaining a lawyer.” *Johns v. County of San Diego*, 114 F.3d 874, 877 (9th Cir. 1997); *see also Wilson v. Raye*, 2020 WL 1492662, at *2 (E.D. Cal. Mar. 27, 2020) (finding that a *pro se* plaintiff could not bring an action on behalf of a

1 minor); *Giorgis v. Fetter*, , 2014 WL 12694301, at *1 (D. Ariz. Dec. 22, 2014) (accord).
2 Therefore, minor G.A.R. must be represented by counsel if this action is to proceed on his or her
3 behalf.

4 Accordingly, Plaintiff Allan Thomas Rockwell is HEREBY ORDERED TO SHOW
5 CAUSE why the claims of minor G.A.R. should not be dismissed without prejudice because
6 Plaintiff has no authority to appear on behalf of others. Plaintiff shall file a written response to
7 this order to show cause within fourteen (14) days of service of this order. Alternatively, if
8 counsel enters an appearance on behalf of G.A.R., the Court will vacate the order to show cause.

9 **Failure to comply with this order will result in a recommendation that any claims**
10 **brought on behalf of G.A.R., a minor, be dismissed without prejudice.**

11 IT IS SO ORDERED.
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13 Dated: May 4, 2022

14 /s/ *Eric P. Groj*
15 UNITED STATES MAGISTRATE JUDGE

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